

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 2:24-cv-00736-JAD-NJK

Jessica M. Brown,

Plaintiff

v.

Gomez,

Defendant

**Order Construing Plaintiff's Motion to
Dismiss as a Notice of Voluntary Dismissal
and Closing Case**

[ECF No. 6]

Pro se plaintiff Jessica M. Brown filed this civil-rights action against Officer Gomez in April 2024.¹ Because she is proceeding without the prepayment of fees in this case, her complaint is awaiting screening under 28 U.S.C. § 1915, and the defendant has not been served. On September 16, 2024, Brown filed a document that was docketed as a “motion to dismiss.”² She states that she is “trying to dismiss this case” to focus on other cases she is involved in.³

Federal Rule of Civil Procedure 41 permits a plaintiff to “dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment”⁴ I construe Brown’s motion as a notice of voluntary dismissal and, because the defendant has not yet been served, I order the Clerk of Court to dismiss this case without prejudice.

¹ ECF No. 1.

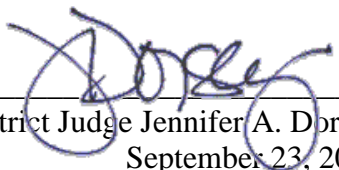
² ECF No. 6.

³ *Id.* at 1.

⁴ Fed. R. Civ. P. 41(a)(1)(A)(i).

Conclusion

IT IS THEREFORE ORDERED that Jessica M. Brown's motion to dismiss [ECF No. 6] is construed as a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1). The Clerk of Court is thus directed to DISMISS without prejudice and CLOSE this case.



U.S. District Judge Jennifer A. Dorsey
September 23, 2024